

FROM : B&R Industries

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Jul. 14 2003 12:24PM P4



Case No.: WDUMR-003US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Glenn Robert Beale)	Confirmation No. 6598
Serial No.:	09/581,956)	Group No.: 3727
Filed:	November 17, 2000)	Examiner: Lien M. Ngo
For:	CONTAINER WITH MULTIPLE INTEGRAL CONNECTION HANDLE, PREFORM AND METHOD OF MANUFACTURE)	

**DECLARATION OF DAVID REECE IN SUPPORT OF
PETITION TO REVIVE UNINTENTIONALLY ABANDONED
PATENT APPLICATION UNDER 37 C.F.R. 1.137**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

I, David Reece, Director of B&R Industries Pty Ltd, do solemnly and sincerely declare as follows:

- 1 I am a Director of B&R Industries Pty Ltd, an Australian company which was formed in July 2002 for the purpose of acquiring the assets of Bealetec Pty Ltd. Bealetec Pty Ltd. is the owner of U.S. Patent Application No. 09/581,956, recorded at Reel 011616, Frame 0464.
2. A Co-Director of B&R Industries Pty Ltd is Glenn Robert Beale who is designated as inventor of U.S. Patent Application No. 09/581,956.
- 3 On or about 16 April 2002, a liquidator was appointed to Bealetec Pty Ltd. Now shown to me and marked Exhibit DR-1 is a copy of an extract from the Australian Securities and Investment Commission's records indicating this appointment.

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FROM : B&R Industries

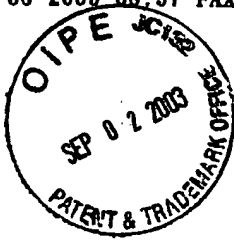
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4. On or about 7th May 2002 Myself and Glenn Robert Beale made an offer via our Lawyer Mr Alex Martin of Potts Latimer Solicitors & Attorneys to the liquidator of Bealetec Pty Ltd to acquire the assets of Bealetec Pty Ltd, including U.S. Patent Application No. 09/581,956. It was indicated to the liquidator at that time that we wished the assets of Bealetec Pty Ltd to be preserved.
5. Myself and Glenn Robert Beale made additional bids on or about 25th September 2002 and 3rd April 2003 before ultimately our company, B&R Industries Pty Ltd formally acquired the Patent and Design applications/registrations of Bealetec Pty Ltd on or about 27 May 2003.
6. Upon acquisition I learned that U.S. Patent Application No. 09/581,956 had lapsed some time in late 2002 through failure to respond to an Examiner's Report (Office Action which issued on 16 August 2002.)
7. The failure to file the required reply to the Office Action of 16 August 2002 was unintentional on the part of either Myself, Glenn Robert Beale or B&R Industries Pty Ltd, the intended beneficial owner at the time the abandonment occurred
8. Any delay in filing a Petition to Revive the unintentionally abandoned application through to the date of formal acquisition by B&R Industries Pty Ltd of the assets of Bealetec Pty Ltd including U.S. Patent Application No. 09/581,956 was unintentional on the part of either Myself, Glenn Robert Beale or B&R Industries Pty Ltd.
9. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United State Code and as such, willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 14 JULY 2003
David Reece, Declarant

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Case No.: WDUMR-003US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants:	Glenn Robert Beale)	Confirmation No. 6598
Serial No.:	09/581,956)	Group No.: 3727
Filed:	November 17, 2000)	Examiner: Lien M. Ngo
For:	CONTAINER WITH MULTIPLE INTEGRAL CONNECTION HANDLE, PREFORM AND METHOD OF MANUFACTURE)	

**DECLARATION OF DAVID HIGGINS IN SUPPORT OF
PETITION TO REVIVE UNINTENTIONALLY ABANDONED
PATENT APPLICATION UNDER 37 C.F.R. 1.137**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

I, David Higgins, Senior Accountant, of Jones Condon Chartered Accountants, Level 12, 185 Macquarie Street, Sydney NSW 2000, do solemnly and sincerely declare as follows:


1. I am employed by Jones Condon, Chartered Accountants of Level 12, 185 Macquarie Street, Sydney NSW 2000, in the capacity of an accountant assisting Thomas Javorsky, a Partner within the firm of Jones Condon in the matter of Bealetec Pty Ltd (In liquidation).
2. On or about 8 April 2002 Thomas Javorsky was appointed Official Liquidator of Bealetec Pty Ltd (ABN 082 609 112) and I have been assisting Thomas Javorsky on a continuous basis since that time in relation to the liquidation of Bealetec Pty Ltd.

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3. Under Australian Law a Liquidator, during the term of his/her appointment has control of the assets of the company which is the subject of the liquidation.
4. On or about June 2002 and September 2002 I caused advertisements to be placed seeking offers for the assets of Bealetec Pty Ltd (In Liquidation) and received at that time an offer from B & R Industries Pty Ltd for the purchase of those assets.
5. It was our intention that the sale process for the assets of Bealetec be completed by December 2002 in which event I would have expected the ultimately successful bidder, B & R Industries Pty Ltd to have obtained formal ownership of the assets by around that time, which is to say, December 2002.
6. Administrative complications in relation to finalising the bidding process in the end caused delays extending through to May 2003 at which time the sale process was finally completed with the Intellectual Property assets of Bealetec Pty Ltd (In Liquidation) being formally transferred to B & R Industries Pty Ltd.
7. I say that the delay in lodging a response on behalf of Bealetec Pty Ltd (In Liquidation) to the US Office Action of 16 August 2002 in respect of USSN09/581,956 was unintentional on the part of Bealetec Pty Ltd (In Liquidation).
8. I declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true and further, that the statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment or both under Section 1001 of Title 18 of the United States Code and as such, willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: 5/8/03


David Higgins, Declarant